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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 STRIKE 3 HOLDINGS, LLC,

13 Plaintiff,

14 vs.

15 JOHN DOE subscriber assigned IP
address 172.251.83.67,

16 Defendant.
17

Case Number:

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT - DEMAND FOR
JURY TRIAL**

18
19 Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), brings this
20 complaint against John Doe subscriber assigned IP address 172.251.83.67, and
21 alleges as follows:

22 **Introduction**

23 1. This is a case about the ongoing and wholesale copyright
24 infringement of Plaintiff’s motion pictures by Defendant, currently known only by
25 an IP address.

26 2. Plaintiff is the owner of award winning, critically acclaimed adult
27 motion pictures.

28 3. Strike 3’s motion pictures are distributed through the *Blacked*, *Tushy*,

1 *Vixen*, and *Blacked Raw* adult websites and DVDs. With more than 20 million
 2 unique visitors to its websites each month, the brands are famous for redefining
 3 adult content, creating high-end, artistic, and performer-inspiring motion pictures
 4 produced with a Hollywood style budget and quality.

5 4. Defendant is, in a word, stealing these works on a grand scale. Using
 6 the BitTorrent protocol, Defendant is committing rampant and wholesale
 7 copyright infringement by downloading Strike 3's motion pictures as well as
 8 distributing them to others. Defendant did not infringe just one or two of Strike
 9 3's motion pictures, but has been recorded infringing 62 movies over an extended
 10 period of time.

11 5. Although Defendant attempted to hide this theft by infringing
 12 Plaintiff's content anonymously, Defendant's Internet Service Provider ("ISP"),
 13 Spectrum (Spectrum), can identify Defendant through his or her IP address
 14 172.251.83.67.

15 6. This is a civil action seeking damages under the United States
 16 Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the "Copyright
 17 Act").

18 **Jurisdiction and Venue**

19 7. This Court has subject matter jurisdiction over this action pursuant to
 20 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over
 21 copyright actions).

22 8. This Court has personal jurisdiction over Defendant because
 23 Defendant used an Internet Protocol address ("IP address") traced to a physical
 24 address located within this District to commit copyright infringement. Therefore:
 25 (i) Defendant committed the tortious conduct alleged in this Complaint in this
 26 State; and, (ii) Defendant resides in this State and/or; (iii) Defendant has engaged
 27 in substantial – and not isolated – business activity in this State.

9. Plaintiff used IP address geolocation technology by Maxmind Inc. (“Maxmind”), an industry-leading provider of IP address intelligence and online fraud detection tools, to determine that Defendant’s IP address traced to a physical address in this District. Over 5,000 companies, along with United States federal and state law enforcement, use Maxmind’s GeoIP data to locate Internet visitors, perform analytics, enforce digital rights, and efficiently route Internet traffic.

10. In order to ensure that Defendant's IP address accurately traced to this District, Plaintiff inputted Defendant's IP address into Maxmind's GeoIP database twice: first when it learned of the infringement and again, just prior to filing this lawsuit.

11. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this district because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

Parties

12. Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy, Camden, DE.

13. Plaintiff currently can only identify Defendant by his or her IP address. Defendant's IP address is 172.251.83.67. Defendant's name and address can be provided by Defendant's Internet Service Provider.

Factual Background

Plaintiff's Award-Winning Copyrights

14. Strike 3's subscription based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

1 15. Strike 3's motion pictures and websites have won numerous awards,
2 such as "best cinematography," "best new studio," and "adult site of the year."
3 One of Strike 3's owners, three-time director of the year Greg Lansky, has been
4 dubbed the adult film industry's "answer to Steven Spielberg."

5 16. Strike 3's motion pictures have had positive global impact, leading
6 more adult studios to invest in better content, higher pay for performers, and to
7 treat each performer with respect and like an artist.

8 17. Unfortunately, Strike 3, like a large number of other makers of
9 motion picture and television works, has a major problem with Internet piracy.
10 Often appearing among the most infringed popular entertainment content on
11 torrent websites, Strike 3's motion pictures are among the most pirated content in
12 the world.

13 ***Defendant Used the BitTorrent File Distribution Network***
14 ***to Infringe Plaintiff's Copyrights***

15 18. BitTorrent is a system designed to quickly distribute large files over
16 the Internet. Instead of downloading a file, such as a movie, from a single source,
17 BitTorrent users are able to connect to the computers of other BitTorrent users in
18 order to simultaneously download and upload pieces of the file from and to other
19 users.

20 19. To use BitTorrent to download a movie, the user has to obtain a
21 "torrent" file for that movie, from a torrent website. The torrent file contains
22 instructions for identifying the Internet addresses of other BitTorrent users who
23 have the movie, and for downloading the movie from those users. Once a user
24 downloads all of the pieces of that movie from the other BitTorrent users, the
25 movie is automatically reassembled into its original form, ready for playing.

26 20. BitTorrent's popularity stems from the ability of users to directly
27 interact with each other to distribute a large file without creating a heavy load on
28 any individual source computer and/or network. It enables Plaintiff's motion

1 pictures, which are often filmed in state of the art 4kHD, to be transferred quickly
2 and efficiently. Moreover, BitTorrent is designed so that the more files a user
3 offers for download to others, the faster the user's own downloads become. In
4 this way, each user benefits from illegally distributing other's content and
5 violating copyright laws.

6 21. Each piece of a BitTorrent file is assigned a unique cryptographic
7 hash value.

8 22. The cryptographic hash value of the piece ("piece hash") acts as that
9 piece's unique digital fingerprint. Every digital file has one single possible
10 cryptographic hash value correlating to it. The BitTorrent protocol utilizes
11 cryptographic hash values to ensure each piece is properly routed amongst
12 BitTorrent users as they engage in file sharing.

13 23. The entirety of the digital media file also has a unique cryptographic
14 hash value ("file hash"), which acts as a digital fingerprint identifying the digital
15 media file (e.g. a movie). Once infringers complete the downloading of all pieces
16 which comprise a digital media file, the BitTorrent software uses the file hash to
17 determine that the file is complete and accurate.

18 24. Defendant used the BitTorrent file network to illegally download and
19 distribute Plaintiff's copyrighted motion pictures.

20 25. Plaintiff's investigator, IPP International U.G. ("IPP") established
21 direct TCP/IP connections with the Defendant's IP address, as outlined on Exhibit
22 A, while Defendant was using the BitTorrent file distribution network.

23 26. While Defendant was infringing, IPP downloaded from Defendant
24 one or more pieces of the digital media files containing Strike 3's motion pictures
25 listed on Exhibit A ("Works").

26 27. A full copy of each digital media file was downloaded from the
27 BitTorrent file distribution network, and it was confirmed through independent
28 calculation that the file hash correlating to each file matched the file hash

1 downloaded by Defendant.

2 28. Defendant downloaded, copied, and distributed a complete copy of
3 Plaintiff's Works without authorization.

4 29. At no point was Plaintiff's copyrighted content uploaded by IPP to
5 any BitTorrent user.

6 30. The digital media files have been verified to contain a digital copy of
7 a motion picture that is identical (or alternatively, strikingly similar or
8 substantially similar) to Plaintiff's corresponding original copyrighted Works.

9 31. Defendant's infringement is continuous and ongoing. Absent this
10 lawsuit, Plaintiff knows of no way to effectively prevent Defendant from
11 infringing Plaintiff's motion pictures.

12 32. Plaintiff owns the copyrights to the Works and the Works have either
13 been registered with the United States Copyright Office or have pending copyright
14 registrations. The United States Copyright Office registration information for the
15 Works, including the registration number, is outlined on Exhibit A.

16 33. For Plaintiff's Works that are still pending registration, a complete
17 application, fees, and deposit materials for copyright registration have been
18 received by the Copyright Office in compliance with the Copyright Act, 17 U.S.C.
19 §§ 101, et seq. The application number is listed on Exhibit A.

20 34. Plaintiff is entitled to seek statutory damages and attorneys' fees
21 under 17 U.S.C. § 501 of the United States Copyright Act.

22 **COUNT I**

23 **Direct Copyright Infringement**

24 35. The allegations contained in paragraphs 1-34 are hereby re-alleged as
25 if fully set forth herein.

26 36. Plaintiff is the owner of the Works, which is an original work of
27 authorship.

28 37. Defendant copied and distributed the constituent elements of

1 Plaintiff's Works using the BitTorrent protocol.

2 38. At no point in time did Plaintiff authorize, permit or consent to
3 Defendant's copying, distribution, performance and/or display of its Works,
4 expressly or otherwise.

5 39. As a result of the foregoing, Defendant violated Plaintiff's exclusive
6 right to:

7 (A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1)
8 and 501;

9 (B) Distribute copies of the Works to the public by sale or other transfer
10 of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3)
11 and 501;

12 (C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4)
13 and 501, by showing the Works' images in any sequence and/or by making the
14 sounds accompanying the Works' audible and transmitting said performance of
15 the work, by means of a device or process, to members of the public capable of
16 receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform"
17 and "publically" perform); and

18 (D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5)
19 and 501, by showing individual images of the works non-sequentially and
20 transmitting said display of the works by means of a device or process to members
21 of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's
22 definition of "publicly" display).

23 40. Defendant's infringements were committed "willfully" within the
24 meaning of 17 U.S.C. § 504(c)(2).

25 WHEREFORE, Plaintiff respectfully requests that the Court:

26 (A) Permanently enjoin Defendant from continuing to infringe Plaintiff's
27 copyrighted Works;

28 (B) Order that Defendant delete and permanently remove the digital

1 media files relating to Plaintiff's Works from each of the computers under
2 Defendant's possession, custody or control;

3 (C) Order that Defendant delete and permanently remove the infringing
4 copies of the Works Defendant has on computers under Defendant's possession,
5 custody or control;

6 (D) Award Plaintiff statutory damages per infringed work pursuant to 17
7 U.S.C. § 504(a) and (c);

8 (E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to
9 17 U.S.C. § 505; and

10 (F) Grant Plaintiff any other and further relief this Court deems just and
11 proper.

12 **DEMAND FOR A JURY TRIAL**

13 Plaintiff hereby demands a trial by jury on all issues so triable.

14 Dated: September 20, 2018

Respectfully submitted,

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16 By: 
17 Lincoln D. Bandlow, Esq.
FOX ROTHSCHILD LLP

18 *Attorney for Plaintiff*

19 Strike 3 Holdings, LLC
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